

1                                   **IN THE CIRCUIT COURT OF THE STATE OF OREGON**  
2                                   **FOR MULTNOMAH COUNTY**

3       THE STATE OF OREGON,

4  
5                                   Plaintiff,

No. 1901-30000

DA 2403060-1  
2403060-2

6                                   v.

7  
8       JAMES MOONEY,  
9       MICHAEL GONZALEZ,

Defendants.

MOTION FOR A COURT ORDER TO  
RELEASE A GRAND JURY TRANSCRIPT  
UNDER ORS 132.270(3)(a)(A)

10  
11  
12  
13  
14       COMES NOW ROD UNDERHILL, District Attorney for Multnomah County, by and  
15 through Deputy District Attorney Todd T. Jackson, respectfully requests a court order to release a  
16 transcript of the grand jury proceedings recorded pursuant to ORS 132.260(1) in the above  
17 referenced case.

18                                   **INTRODUCTION**

19       On June 3, 2019, Multnomah County Grand Jury No. 3, Term No. 5 returned a "not true  
20 bill" indorsement after reviewing evidence presented regarding the fatal shooting of Jeb Brock by  
21 peace officers on April 29, 2019. The grand jury proceedings were recorded in accordance with ORS  
22 132.260(1). The State now moves the court for an order under ORS 132.270(3)(a)(A) that a transcript of  
23 the grand jury proceedings recorded pursuant to ORS 132.260(1) be released. The above listed  
24 defendants have received a copy of this motion via E-Mail, and have also been served with it by certified  
25 U.S. Mail.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32

2

3  
4  
5  
6

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

18

19  
20  
21  
22  
23  
24

25  
26  
27  
28

29  
30  
31  
32

1 This case involved the use of deadly force by the above listed peace officers against Jeb  
2 Brock, which resulted in Jeb Brock's death. As such, there is a significant public interest in  
3 disclosing the grand jury proceedings recorded pursuant to ORS 132.260(1) that, under the  
4 circumstances of this case, outweighs the interest in maintaining the secrecy of the grand jury  
5 proceedings. Should the Court grant the State's motion, the State intends to publish the  
6 transcript to the Multnomah County District Attorney's Office public website.

7 **CONCLUSION**

8 For the reasons stated above, the State respectfully requests that the Court order a release  
9 of a transcript of the grand jury proceedings recorded pursuant to ORS 132.260(1) in this case.

10  
11 Dated this 4th day of June, 2019.

12 Respectfully Submitted,

13 ROD UNDERHILL  
14 District Attorney  
15 Multnomah County

16 By /s/ Todd T. Jackson  
17 Todd T. Jackson, OSB 114240  
18 Deputy District Attorney  
19  
20  
21  
22  
23  
24  
25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
20  
21  
22  
23  
24  
25

7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
20  
21  
22  
23  
24  
25

3  
4  
5  
6  
7  
8  
9  
20  
21  
22  
23  
24  
25

21  
22  
23  
24  
25

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
2 FOR MULTNOMAH COUNTY

THE STATE OF OREGON,

No. 19-01-30000

Plaintiff,

DA 2403060-1  
2403060-2

v.

ORDER

JAMES MOONEY,

MICHAEL GONZALEZ,

Defendants.

3 **ORDER**

4 This matter having come before the Court on motion of Rod Underhill, District Attorney for  
5 Multnomah County, by and through Deputy District Attorney Todd T. Jackson, the Court finds the  
6 following:

7 Pursuant to ORS 132.270(3), under the circumstances of this case, the public interest in  
8 disclosure of a transcript of the grand jury proceedings recorded pursuant to ORS 132.260(1)  
9 outweighs the interest in maintaining the secrecy of the grand jury proceedings.

10 Therefore, pursuant to ORS 132.270(3), in the above entitled matter, it is hereby  
11 ORDERED that the State shall release a transcript of the grand jury proceedings recorded  
12 pursuant to ORS 132.260(1). Further, pursuant to ORS 132.270(3)(b), the transcript shall not  
13 include any personal identifiers of a victim or a witness, or any name or personal identifiers of a  
14 grand juror.

15 Dated this 19th day of June, 2019,

16   
17 Judge BUSHONG  
18 Multnomah County Circuit Court  
19 \\  
20 \\  
STATE'S PROPOSED ORDER - PAGE 1

1 Submitted by:

2 ROD UNDERHILL

3 District Attorney

4 Multnomah County, Oregon

5  
6 By: /S/ Todd T. Jackson

7 Todd Jackson, OSB 114240

8 Deputy District Attorney